

House File 404

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AN ACT

AUTHORIZING A SENTENCING COURT TO ISSUE NO-CONTACT ORDERS
AGAINST PERSONS ARRESTED FOR ANY PUBLIC OFFENSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 901.5, Code 2003, is amended by adding
the following new subsection:

NEW SUBSECTION. 7A. a. The court may order the defendant
to have no contact with the victim of the offense, persons
residing with the victim, members of the victim's immediate
family, or witnesses to the offense if the court finds that
the presence of or contact with the defendant poses a threat
to the safety of the victim, persons residing with the victim,
members of the victim's immediate family, or witnesses to the
offense.

b. The duration of the no-contact order may extend for a
period of five years from the date the judgment is entered or
the deferred judgment is granted, or up to the maximum term of
confinement, whichever is greater. The court may order the
no-contact order regardless of whether the defendant is placed
on probation.

Upon the filing of an affidavit by the victim, a person
residing with the victim, a member of the victim's immediate
family, or a witness to the offense which states that the
defendant continues to pose a threat to the safety of the
victim, persons residing with the victim, members of the
victim's immediate family, or witnesses to the offense within
ninety days prior to the expiration of the no-contact order,
the court shall modify and extend the no-contact order for an
additional period of up to five years, unless the court finds
that the defendant no longer poses a threat to the safety of
the victim, persons residing with the victim, members of the
victim's immediate family, or witnesses to the offense. The
number of modifications extending the no-contact order
permitted by this subsection is not limited.

c. The court order shall contain the court's directives
restricting the defendant from having contact with the victim
of the offense, persons residing with the victim, members of
the victim's immediate family, or witnesses to the offense.
The order shall state whether the defendant is to be taken
into custody by a peace officer for a violation of the terms
stated in the order.

d. Violation of a no-contact order issued under this
section is punishable by summary contempt proceedings. A
hearing in a contempt proceeding brought pursuant to this
subsection shall be held not less than five and not more than
fifteen days after the issuance of a rule to show cause, as
set by the court, unless the defendant is already in custody
at the time of the alleged violation in which case the hearing
shall be held not less than five days and not more than forty=
five days after the issuance of the rule to show cause.

e. For purposes of this subsection, "victim" means a
person who has suffered physical, emotional, or financial harm
as the result of a public offense committed in this state.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 404, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

3 6 Approved _____, 2003
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3 10 THOMAS J. VILSACK
3 11 Governor